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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,539	09/25/2003	Carl J. Kissell	20121-72277	5459

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT PAPER NUMBER

1734

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/670,539

Applicant(s)

KISSELL ET AL

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 14-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \*\*\*
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**Detailed Action**

**Claim Rejections - 35 U.S.C. 103**

- 1.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 1-13 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fay (US 6,484,463).**

**Claims 1, 13, 23, and 24**, Fay teaches a method of producing a fiberglass insulation batt including passing a stream of fiberglass insulation 100 through cutter 104 to cut insulation 100 to form side-by-side separate strips 22 and 24 separated by a gap, applying binder adhesive to portions of strips 22 and 24 (**claim 3-5, 7-10, 12, and 20-22** as well) along the gap using item 108 (**claim 11**), and then bonding strips 22 and 24 together (**claims 3-5, 7-10, 12, and 20-22** as well) using the binder adhesive to form a binder bridge spanning the gap to producing the final batt. Fay also teaches using a strip separator to move strips 22 and 24 away from each other for widening the gap such that the binder is within this widened gap when dispensed (**claims 2, 6, 13, 24**). The bridge in Fay is considered frangible to the same degree as that in the claims in that it inherently has relatively weak internal bonds in comparison to the internal bonds within strips 22 and 24 in that the binder adhesive is not reinforced with glass fibers. The binder adhesive is, but not limited to, a hot melt type. **Claim 19**, Fay teaches applying a force to the edges of strips 22 and 24 for separation, see Figure 8 and related discussion.

***Claims 1, 13, 23, and 24, Fay does not teach using a hot melt adhesive that is heat polymerized (claims 1, 13, 23, 24) in a curing oven (claims 1, 13) to form the bridge.***

However, Fay does not limited the adhesive to that disclosed and hot melt adhesives that are heat polymerizable and oven cured are a conventional. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Fay such an adhesive because it is obvious to replace one adhesive (hot melt adhesive, no specific restriction) with another art recognized alternative adhesive (hot melt adhesive which is heat polymerizable) where Fay do not place restrictions on the type of adhesive which can be used such that one skilled in the art would not consider the substitution detrimental to the process of Fay.

**3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. (US 4,552,793).**

**Claim 1**, Cameron et al. teach a method of producing a fiberglass insulation batt including passing a stream of fiberglass insulation 12 through cutter 28 to cut insulation 12 to form side-by-side separate strips 30 separated by a gap, applying binder adhesive to portions of strips 30 along the gap (from above and along the gap) using item 32, and then bonding strips 30 together using the binder adhesive to form a binder bridge spanning the gap to producing the final batt. The bridge in Cameron is considered frangible to the same degree as that in the claims in that it inherently has relatively weak internal bonds in comparison to the internal bonds within strips 30 in that the binder adhesive is not reinforced with glass fibers.

***Claim 1, Cameron et al. do not teach using an adhesive that is then heat polymerized in a curing oven to form the bridge.***

However, Cameron does not limited the adhesive to that disclosed and heat polymerizable adhesives which are oven cured are a conventional. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Cameron et al. such an adhesive because it is obvious to replace one adhesive with another art recognized alternative adhesive where Cameron et al. do not place

restrictions on the type of adhesive which can be used such that one skilled in the art would not consider the substitution detrimental to the process of Cameron et al.

**Allowable Subject Matter**

**4. Claims 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**5.** The following is a statement of reasons for the indication of allowable subject matter:

**claim 14**, Fay does not teach that the strip separator comprises a knife blade mounted for oscillatory movement in the gap and an oscillator coupled to the knife blade providing means for discharging pressurized air into the gap to provide the widened gap between the strips;

**claim 15**, Fay does not teach that the strip separator comprises an air knife providing means for discharging pressurized air into the gap to provide the widened gap between the strips; **claim 16**, Fay does not teach that the strip separator comprises a conduit arranged to intercept the strips along the gap and formed to include means for discharging pressurized air into the gap to provide the widened gap between the strips; and,

**claim 18**, Fay does not teach that the strip separator comprises a ram and means for moving the ram to engage the strips as the strips move relative to the ram to form a series of binder-receiver pockets in the strips along the gap, which pockets cooperate to form the widened gap.

**6.** As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

**Other Prior Art of Record**

**7.** The following prior art has been made of record:

Carlson teaches a method of producing a final batt including passing a stream of the batt through cutter 42 to cut the batt to form side-by-side separate strips 37a

separated by a gap, applying a binder adhesive to portions of at least one of strips 37a along the gap using fingers 46, and then bonding strips 37a together using the binder adhesive to form a binder bridge spanning the gap to producing the final batt. Carlson also teaches using strip separator 45 to move strips 37a away from each other for widening the gap. The bridge in Carlson is considered frangible to the same degree as that in the claims in that it inherently has relatively weak internal bonds in comparison to the internal bonds within strips 37a in that the binder adhesive is not reinforced as within strips 37a.

However, it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Carlson using a batt of fiberglass insulation in that the batt of Carlson is a strong reinforced batt for load-bearing purposes. Also, Carlson it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Carlson (a) passing strips 37a through a curing over to expose strips 37a and the binder adhesive to a curing heat to polymerized the binder adhesive in that the adhesive used is a cold-setting type (**claims 1, 13**), or (b) heating the binder adhesive in that the adhesive used is a cold-setting type (**claim 24**) or (c) exposing strips 37a and the binder adhesive to a cure heat to polymerized the binder adhesive in that the adhesive used is a cold-setting adhesive.

Syme et al. teach a method of producing a fiberglass insulation batt including passing a stream of the batt through a cutter to cut the batt to form side-by-side separate strips 18 separated by a gap, applying a binder adhesive to portions of at least one of strips 18 along and within the gap using item 9, and then preventing bonding of strips 30 together using the binder adhesive so as not to form a binder bridge spanning the gap to make final batt in that item 30 is provided to prevent bonding of the fast curing adhesive which does not require heat.

Shannon et al. teaches a method of producing a fiberglass insulation batt including cutting a mother batt to form slabs, stacking the slabs at 37, cutting the stack at 38 to form strips, lining the strips together, and bonding the strips together using item 40. The longitudinal bridges in Figures 1 and 2 are formed when the stack is formed and then cut at 38.

### **Conclusion**

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg   
November 29, 2004

  
LINDA GRAY  
PRIMARY EXAMINER